United Nations A/C.6/58/SR.7

General Assembly
Fifty-eighth session

Official Records

Distr.: General
19 November 2003

Original: English

Sixth Committee

Summary record of the 7th meeting
Held at Headquarters, New York, on Friday, 17 October 2003, at 10 a.m.

Chairman: Mr. Baja ..... (Philippines)

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03-56553 (E)

The meeting was called to order at 10 a.m.

Agenda item 156: Measures to eliminate international terrorism (*continued*) (A/58/37 and Corr.1, A/58/116 and Add.1 and A/C.6/58/L.10)

1. **Mr. Musambachime** (Zambia) said that international terrorism was contemptible, because it led to the loss of innocent human lives, sadly including those of United Nations workers in Baghdad and the Special Representative of the Secretary-General in Iraq, Mr. Sergio Vieira de Mello. Terrorism, which destroyed infrastructure and seriously jeopardized international peace and security, could only be combated effectively when an international convention on measures to eliminate it had been adopted under the auspices of the United Nations.

2. His Government had participated actively in the drafting of the Convention on the Prevention and Combating of Terrorism of the Organization of African Unity (OAU) and would soon ratify and implement its provisions. It strongly supported the United Nations efforts to fight international terrorism. Since the eradication of that scourge was a matter of the utmost urgency, it was to be hoped that divergences of views on how best to do so would be bridged so as to reach consensus and that an international convention on measures to eliminate international terrorism would be adopted at the current session.

3. **Mr. Popkov** (Belarus) said that while the events of 11 September 2001 had lent momentum to endeavours to prevent and combat international terrorism and had led to the formation of a broadly based international coalition for that purpose, a wave of terrorist attacks, including the cruel and cynical bombing of the United Nations office in Baghdad, had emphasized the need for further radical measures to extirpate terrorism, including the establishment of an appropriate international legal mechanism to prosecute the perpetrators of such acts.

4. States Members of the United Nations should demonstrate the political will required in order to reach a compromise on the outstanding issues concerning the draft comprehensive convention on international terrorism. Since peoples had an inalienable right to self-determination and a right to oppose colonial and racist regimes and foreign occupation, a distinction had to be drawn between terrorism and the struggle for national liberation. That distinction should be based on legal terminology which had been clearly defined in international law and international humanitarian law. On the other hand, the sphere of application of any future comprehensive convention should not be so narrow as to exclude acts of violence that displayed all the characteristics of the crime of terrorism.

5. The possibility that terrorists might gain access to chemical, biological, nuclear and other deadly materials, as well as to weapons of mass destruction, was worrying. The adoption of an international convention on the suppression of acts of nuclear terrorism might provide a partial solution to the problem. While his Government supported moves within the United Nations to avert the threat of terrorists obtaining weapons of mass destruction, efforts in that direction had to be balanced and anti-terrorist measures should not be used as a pretext for resolving political dilemmas which had nothing to do with the issue.

6. The General Assembly should play a greater role in preventing and combating international terrorism. It should not only encourage the development of new international legal instruments for that purpose, but should also endeavour to identify and remove the root causes of terrorism. The Counter-Terrorism Committee and Security Council resolution 1373 (2001) had greatly enhanced the potential of the United Nations to lead the international campaign in that field and cooperation with that Committee should therefore be broadened. His Government had submitted three reports to the Committee. Moreover the implementation of Security Council resolution 1373 (2001) had had a beneficial impact on the legal system of his country in that it had facilitated the adoption of a number of important pieces of legislation. It would be advisable for the Counter-Terrorism Committee to cooperate more closely with international, regional and subregional bodies in matters of technical support and consultancy.

7. His Government was a party to 11 of the 12 fundamental multilateral treaties on combating terrorism and was on the point of acceding to the International Convention for the Suppression of the Financing of Terrorism. In order to foster international cooperation in fighting terrorism and to fulfil its international obligations in that respect, his Government was entering into bilateral treaties with other States and with a number of regional organizations.

8. It was to be hoped that the anti-terrorist measures adopted by the United Nations, the collective reason of Member States and a broadening of the dialogue between civilizations and peoples would make it possible to forestall further acts of international terrorism.

9. **Mr. Chaabani** (Tunisia) said that, in recent years, there had been an alarming resurgence of international terrorism which had struck indiscriminately at peoples and institutions, thereby causing death and destruction on a large scale. That situation had revealed the international community's vulnerability to terrorism, which was utterly despicable and constituted a worldwide threat to peace and security. The answer lay in common, global action which, ideally, should be coordinated by the United Nations. For that reason, the fact that several of its organs had joined the fight against international terrorism was to be welcomed and, in that context, the stepping up of the activities of the Counter-Terrorism Committee and improved coordination between that Committee and regional and subregional organizations was a particular source of satisfaction.

10. In order to combat terrorism, his Government had concluded bilateral conventions, acceded to all the international and regional treaties on the subject and was engaging in increasingly close cooperation with the courts and police forces of other countries. The Chamber of Deputies was also examining a draft law on the appropriate machinery for suppressing the financing of terrorism.

11. Since organized transnational crime and terrorism were linked, the activities of the Terrorism Prevention Branch at the United Nations Office on Drugs and Crime were laudable and deserved support. Yet those activities would be incomplete unless a leading role were assigned to the General Assembly, which bore the primary responsibility for defining legal standards and measures to stamp out international terrorism.

12. While the adoption of sectoral conventions dealing with specific aspects of the problem had already had a dissuasive effect, the continued existence of some gaps in international law allowed terrorists a margin of manoeuvre. Those gaps should therefore be filled and, consequently the conclusion of a comprehensive convention on international terrorism tackling all aspects of the issue would certainly consolidate the international community's efforts in that sphere. Similarly, as acts of nuclear terrorism would have catastrophic consequences for the whole of humanity, the conclusion of a draft international convention for the suppression of acts of nuclear terrorism should be expedited. It was to be hoped that States would have the political will to resolve all the outstanding issues in order to arrive at instruments which would meet the concerns of all parties.

13. In the meantime, the President of his country had proposed the drafting of a global code of conduct on counter-terrorism, an idea which had been favourably received by the member States of several international organizations. The purpose of the code would be to improve the coordination of multilateral action to prevent all forms of terrorism while also taking account of legitimate aspirations to development, prosperity and dignity, since poverty, underdevelopment and exclusion fuelled the underlying causes of terrorism, namely frustration, hatred and extremism. The initiative set out to establish an ethical code for States which would obviate tension and confrontation, thus enabling them to develop stable and fruitful relations based on the principle of collective security in conformity with the Charter of the United Nations. His delegation looked forward to receiving other delegations' comments on that initiative.

14. **Mr. Kone** (Burkina Faso) said that terrorism was indeed a major threat to international peace and security. Recent developments made it incumbent upon the international community to take steps forthwith to counter barbarous acts which constituted serious violations of the international legal order and which also demonstrated contempt for human life. An urgent global response was needed to parry the violence and arrogance of the perpetrators of such crimes. Terrorist acts were never justified on any grounds whatsoever.

15. His Government would do all it could to back the international community's struggle against terrorism and scorn for humanity. It had completed all the formalities needed to become a party to the 12 sectoral conventions on terrorism and had acceded to the OAU Convention on the Prevention and Combating of Terrorism and the Convention of the Organization of the Islamic Conference on Combating International Terrorism. Steps were being taken to implement them and to meet the country's commitments in the fight against terrorism.

16. The international community must engage in a concerted effort to conquer terrorism under the auspices of the United Nations and, in so doing, it must comply with international law. Terrorist organizations could strike anywhere, as the killing of Mr. Sergio Vieira de Mello had proved, and they used modern methods of communication to elude legal and security systems. That was why it was vital to draft a comprehensive convention dealing with all aspects of the question, but which did not equate one particular religion or belief with terrorism. The convention should, on the other hand, define clearly the common enemy in order to fight it more effectively through concerted action. Such a convention, which would offer a single framework and supplement existing sectoral conventions, should be drafted speedily, for the urgency of the situation brooked no further delay.

17. A convention against acts of nuclear terrorism and a high-level conference convened by the United Nations would likewise provide a common response to that potential danger. In order to be effective, the world's battle against terrorism should be fought by a clear-thinking, sturdy coalition based on the United Nations.

18. **Mr. Qudar** (Yemen) said that his delegation supported the statement made by the representative of the Islamic Republic of Iran on behalf of the Organization of the Islamic Conference.

19. His country was committed to Islam and to the United Nations Charter. It had acceded to a number of human rights instruments and international counter-terrorism conventions and was working to combat terrorism, to which end it had adopted a number of legislative and administrative measures. It called on the international community to join forces to eradicate terrorism, to finalize the text of the comprehensive convention on international terrorism and to convene a high-level international conference under the auspices of the United Nations to define the concept of terrorism.

20. The question of terrorism had become an urgent priority concern for the international community, leading to the adoption of Security Council resolution 1373 (2001), which called on all States to cooperate to prevent and suppress terrorist attacks and to take measures against the perpetrators of such acts. His country had been among the first States to suffer from terrorism and was anxious to combat and eliminate it as a threat to Yemen's security and stability which harmed its interests and those of its citizens.

21. It was important, however, to distinguish between terrorism and the right of peoples to struggle against foreign occupation, as in the case of the legitimate struggle of the Palestinian people. The dream of his country was to see a world free of violence, hatred, war, destruction and fear, in which all people on earth enjoyed freedom, security, justice, equality and full human rights.

22. **Mr. Hahn** Myung-Jae (Republic of Korea) said that, despite the progress made by the Ad Hoc Committee and the Working Group of the Sixth Committee and notwithstanding the concerted international effort to eliminate terrorism, terrorist acts were still being committed throughout the world, causing an unacceptable loss of human life and the devastation of societies. No one was immune, not even the United Nations. Perhaps the killing of one of the international community's most able envoys, Mr. Sergio Vieira de Mello, might lend added impetus to endeavours to prevent and eliminate terrorism.

23. All terrorist acts, methods and practices were criminal and unjustifiable, no matter where or by whom they were committed. For that reason, it would be advisable to resolve outstanding issues as soon as possible. To that end, a stronger political will and a spirit of compromise were vital. While differences over the draft comprehensive convention on international terrorism were being settled, all States should become parties to the sectoral conventions on that subject.

24. His Government had made every effort to eliminate international terrorism at the domestic, regional and international levels through full compliance with General Assembly resolutions on the topic and through ratification of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and would shortly be ratifying the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. It had established the Korean Financial Intelligence Unit and had introduced laws and regulations to suppress the financing of terrorism. Furthermore, it participated actively in international forums where efforts were under way to eliminate international terrorism.

25. It was impossible to overstate the need to strengthen international cooperation in order to make

headway in the collective struggle against international terrorism. Hopefully, significant progress would be achieved in the near future in resolving the outstanding issues.

26. **Mr. Saranga** (Mozambique) said that terrorism continued to pose a major threat to international peace and security and constituted an obstacle to development, freedom and democracy. It was an evil force which should not be equated with any specific ethnic group or religion. The diversity of civilizations should be acknowledged and respected. For that reason, the fight against terrorism should be global and should also respect the dignity and fundamental freedoms of individuals, democratic and human values and the due process of law.

27. His Government was determined to combat the scourge of terrorism in all its forms and was convinced that the issue needed to be tackled globally and in a comprehensive manner by the international community. The United Nations remained the most appropriate and effective forum for addressing that scourge and should play the leading role in the international fight against terror.

28. In February 2003 his Government had deposited with the Secretary-General its ratification of four international counter-terrorism conventions. In compliance with its obligations under Security Council resolution 1373 (2001), his Government had submitted its follow-up report to the Counter-Terrorism Committee in May 2003, having enacted a law on money-laundering in 2002.

29. His delegation urged all States involved in the current negotiations on the draft comprehensive convention on international terrorism to show greater flexibility with a view to reaching a compromise.

30. **Ms. MacIntosh** (Suriname) said that the terrorist attacks of 11 September 2001 and the subsequent attacks in Bali, Mombasa, Moscow, Jakarta and on the United Nations headquarters in Baghdad had made it even clearer that terrorism had no boundaries. It was therefore of the utmost importance that the international community should deal with that phenomenon through collective means. Her Government agreed with the Secretary-General that, while it was urgent to prevent terrorists from committing horrendous acts, there was also a need to strive for the fulfilment of the Millennium Development Goals. It was likely that increased poverty, ill health, poor sanitation, injustice and many other factors formed a breeding ground for terrorism.

31. The international community must come to an agreement on a clear definition of terrorism. Terrorism should not be linked to any religion, civilization or nationality. A commitment to human-centred security would generate greater international cooperation in many fields. The fight against terrorism must at all times take place within the framework of international law and respect for human rights, tolerance and peaceful coexistence.

32. Her Government's commitment to the fight against terrorism was reflected in its submission of national reports to the Counter-Terrorism Committee, assignment of a National Security Adviser to the President as the national coordinator for terrorism-related matters, and signing of the Inter-American Convention against Terrorism in June 2002. Ratification of that instrument was in progress; with its entry into force, regional cooperation to combat terrorism would be strengthened through information exchanges, training and technical assistance. In that connection, Netherlands legal experts, under the auspices of the Counter-Terrorism Committee, would evaluate and, where necessary, update Surinamese legislation.

33. Her Government also strongly supported the convening of a high-level conference under the auspices of the United Nations to address the issue of terrorism.

34. **Mr. Wako** (Kenya) said that his delegation spoke with conviction on the item because his country had been a victim of terrorism in its most heinous form. The Kenyan people still had vivid memories of the terrorist attacks in 1998 on the United States Embassy in Nairobi and in 2002 in Mombasa. There had also been an attack on the prestigious Norfolk Hotel in 1993.

35. There was a critical need to further strengthen international cooperation. His delegation believed that the United Nations constituted a unique global forum for international cooperation in combating terrorism, which could only be effectively contained through an atmosphere of cooperation between States based on the principles of the Charter of the United Nations and international law. His delegation also believed that, given the complex nature of the fight against terrorism, the General Assembly should play a central

coordinating role. While it appreciated the role played by other United Nations organs, such as the Security Council, his delegation recognized that only the General Assembly had the requisite mandate and representative character to carry out the task effectively. Such cooperation, furthermore, must be undertaken in an atmosphere of mutual respect for the principles of equality and non-interference in the internal affairs of sovereign States.

36. There had been an overwhelming response to the work of the Counter-Terrorism Committee established pursuant to Security Council resolution 1373 (2001). His delegation called upon that Committee to intensify its efforts to promote the implementation by Member States of all aspects of the resolution, particularly those regarding measures that States were expected to take to prevent the commission of terrorist acts. His Government applauded the initiative taken by the Committee to seek to strengthen the role of regional and subregional organizations. The coordinating role of regional bodies had been recognized during the recently concluded meeting of the Asian-African Legal Consultative Organization (AALCO) held in Seoul.

37. His Government continued to develop its capacity to fight terrorism and a national counter-terrorism centre had been established to coordinate those efforts. An anti-terrorism police unit had also been established to investigate and apprehend any persons involved in terrorist activities. His Government attached great importance to the adoption of institutional measures to prevent and suppress crimes linked to terrorist activities, such as arms and drug trafficking and money-laundering and to that end, had ratified the 12 sectoral instruments dealing with efforts to address those crimes.

38. One area that required urgent and specific attention under the Global Programme against Terrorism launched in October 2002 was training. The demand for training of law enforcement officers, prosecutors, investigators and judges in the application of United Nations standards and norms in the administration of justice had increased tremendously. In addition, Member States required advisory services on legislative policies.

39. On 30 April 2003 his Government had published the Suppression of Terrorism Bill, which was due to be debated in Parliament in the following month. The bill provided measures for the detection and prevention of terrorist activities in Kenya and defined terrorism, terrorist offences and terrorist organizations and property. In drawing up the Bill, his Government had been guided by the need to ensure a balance between protecting the fundamental rights and freedoms of its citizens and fighting terrorism. The Bill had been drafted in accordance with the Commonwealth guidelines.

40. His delegation noted with satisfaction the progress achieved thus far by the Sixth Committee in the elaboration of the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism. The successful conclusion of negotiations on those two instruments would be an achievement not just for the Sixth Committee, but for the entire world.

41. **Mr. Baali** (Algeria) said that because of its capacity to adapt to globalization, the sophistication of its methods, and its close ties to transnational organized crime and money-laundering, terrorism posed the greatest threat to the world in the early twenty-first century. It was therefore necessary to strengthen international cooperation in the fight against terrorism through accession by all States to the relevant international instruments and the adoption of binding measures in such areas as judicial assistance. There was a need to adopt and implement a series of measures aimed at drying up the sources of financing of terrorism, dismantling its logistical support networks and suppressing its propaganda arsenal.

42. Unilateral and bilateral action had proved inadequate in combating a global threat. States had therefore decided to cooperate within the framework of the United Nations, which was best suited to coordinate the activities of Member States. The General Assembly had laid the groundwork for such cooperation by adopting the 1994 Declaration on Measures to Eliminate International Terrorism. His delegation fully supported the proposal to convene a high-level conference, under the auspices of the United Nations, to formulate a joint response of the international community to terrorism in all its forms and manifestations.

43. On the African continent, the OAU Convention on the Prevention and Combating of Terrorism had entered into force almost a year before. That Convention had been strengthened by the adoption, at a meeting in Algiers in September 2002, of a plan of

action aimed at promoting access by African countries to appropriate methods of combating terrorism. Moreover, an African centre for studies and research on terrorism had been established, with its headquarters in Algiers. Its purpose was to serve as a clearing house for information, studies and analyses of terrorism and terrorist groups, and to develop training programmes through courses, seminars and symposiums. Similar efforts had been made through the League of Arab States and the Organization of the Islamic Conference (OIC), which had elaborated anti-terrorism instruments.

44. His Government was already a party to nearly all the international anti-terrorism conventions and was determined to continue to combat the scourge of terrorism with respect for the principles and norms of international law. His Government had submitted three reports pursuant to Security Council resolution 1373 (2001) and two reports under Security Council resolutions 1390 (2002) and 1455 (2003).

45. His delegation hoped that the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism, which were both still pending before the General Assembly, could be finalized and adopted without delay. In that connection, his delegation had several proposals to make. First, as many terrorist support networks had developed in countries with strong traditions of granting asylum, it seemed reasonable to request, as part of the procedures for granting asylum, the necessary clarifications concerning the situation of the applicants, in particular from the country of which they were nationals. Second, a database on individuals, groups or organizations regarded as terrorist should be established and open to all States. In that connection, the list drawn up by the Security Council Committee established pursuant to resolution 1267 (1999) was very useful. Third, there should be strict monitoring of funds belonging to individuals, enterprises or organizations suspected of being sources of financing for terrorist groups. Fourth, banks and financial institutions must be responsible for stricter monitoring of capital flows suspected of being linked to terrorist acts. In that connection, his Government had established a financial intelligence unit as an independent structure within the Ministry of Finance in order to combat money-laundering and terrorist financing. Fifth, a database should be established on sources of financing for terrorist groups. Sixth, monitoring, surveillance and detection equipment at the borders, and specific equipment for intervention, protection, detection and neutralization, as well as the necessary means for preparing forgery-proof travel and identity documents should be supplied on an emergency basis. Seventh, a follow-up and coordination mechanism should be established under the auspices of the United Nations, in order to manage the aforementioned databases and develop confiscation procedures. Regular programmes of exchanges and consultation relating to data on terrorist groups, judicial proceedings, and updating of legislation and regulations should be established. Specialized training programmes for personnel involved in combating terrorism should be developed. Eighth, and lastly, an international assistance fund should be established for the fight against terrorism to provide multifaceted support to developing countries in adapting and streamlining their legislation.

46. **Ms. Konaté** (Mali) reaffirmed her delegation's strong condemnation of terrorism in all its forms and manifestations and regardless of its perpetrators, sponsors and motives. At the same time, her delegation believed that the fight against terrorism must be carried out with strict respect for human rights, and that no simplistic amalgams should be made between terrorism and Islam, nor should the fight against terrorism become a clash of civilizations.

47. Her Government had ratified the 12 international legal instruments for combating terrorism along with the African Union and OIC conventions. Her country had been one of the first to ratify the Protocol to Combat the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, additional to the United Nations Convention against Transnational Organized Crime. Currently, consideration was being given to implementing the mechanisms and procedures defined by the seminar held in Dakar on 7 and 8 February 2002 on money-laundering in the States members of the West African Economic and Monetary Union (UEMOA).

48. In terms of assisting other States, Mali was a member of the committee of police chiefs of West Africa, which was a framework for the exchange of operational information in the fight against terrorism. Her Government had also established a special intervention brigade, an anti-crime brigade within the

National Police, and a mobile intervention brigade within the customs authority. On 12 October 2003 an international conference organized by the Africa Center for Strategic Studies had been held in Bamako in collaboration with the Ministry of Defence and Veterans' Affairs The aim of the conference had been to study the nature and extent of terrorism and its threat to stability in North and West Africa. Her Government had also held meetings with certain neighbouring countries in order to collect and disseminate information needed to combat suspected terrorist cells in northern Mali and in the no-man's-land common to Algeria, Mali, Mauritania and Niger. Joint patrols had also been organized in order to curb trafficking in all types of weapons in the region.

49. Her delegation, welcomed the substantial progress made in the elaboration of a draft comprehensive convention on international terrorism and expressed its full support for the convening as soon as possible, under the auspices of the United Nations, of a high-level international conference on terrorism.

50. **Mr. Liow** (Malaysia), said his delegation associated itself with the statements made on behalf of the Organization of the Islamic Conference and the Association of South-East Asian Nations (ASEAN). Although individual efforts by Member States to strengthen their legislative framework and financial and border controls were welcome, terrorism could be effectively eliminated only through collective efforts, with the emphasis on identifying and dealing with the underlying causes of terrorism. States should therefore build on existing regional and international networks to facilitate the exchange of information among law-enforcement and intelligence agencies.

51. Malaysia could draw on a comprehensive compendium of 55 laws to combat terrorism. In addition to the Penal Code, which was currently being amended to make the commission or financing of terrorist acts and hostage-taking specific offences, he drew attention to the Internal Security Act of 1960 — originally enacted to counter the insurgency mounted by the Malayan Communist Party — under which people could be detained with a view to preventing them from acting in a manner prejudicial to national security, the maintenance of essential services or economic life. The law was used only in the most serious cases. The Anti-Money Laundering Act of 2001, which enabled the authorities to freeze or seize the property of any person reasonably suspected of money-laundering, would shortly be amended to empower them to freeze or seize funds intended to be used for terrorist acts, regardless of whether they derived from legitimate sources or were the proceeds of crime. The proposed amendments would enable the Government to freeze the assets of known terrorists on the basis of information received from, among others, the Committee established pursuant to Security Council resolution 1267 (1999). The Mutual Assistance in Criminal Matters Act of 2002 enabled Malaysia to seek and provide mutual assistance in criminal matters. The Government had also recently initiated discussions — which had received a heartening response — on the possibility of concluding a multilateral treaty on mutual assistance among like-minded ASEAN countries.

52. Malaysia was a party to five of the international terrorism conventions and hoped by the end of the year to deposit instruments of accession to the International Convention for the Suppression of the Financing of Terrorism and the International Convention against the Taking of Hostages. His delegation had also participated actively in the work on the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism, which were both needed to complement the existing conventions. Malaysia had further been involved in reviews of related conventions within the framework of the International Atomic Energy Agency and the International Maritime Organization.

53. Malaysia had established the South-East Asia Regional Centre for Counter-Terrorism in Kuala Lumpur in July 2003. The Centre had held its first workshop, on suspicious transaction reports, in August and further training programmes would be arranged to enhance the capability of regional law-enforcement agencies, in collaboration with interested countries.

54. The bilateral and multilateral instruments entered into by Malaysia to combat terrorism included the Agreement on Information Exchange and Establishment of Communication Procedures, signed by Malaysia, Indonesia and the Philippines in May 2002 and subsequently acceded to by Cambodia, Thailand and Brunei Darussalam; the Declaration of Cooperation between Malaysia and the United States of America to Combat International Terrorism, signed in May 2002; the United States-ASEAN Joint Declaration for Cooperation to Combat International Terrorism,

signed in August 2002; and the Memorandum of Understanding between Malaysia and Australia, signed in August 2002.

55. A clear understanding of what constituted "terrorism" remained essential. A universally accepted definition should therefore be elaborated, for otherwise perpetrators of terrorist acts would continue to justify their actions in the name of State security or national liberation. General Assembly resolution 49/60, and in particular paragraph 3 of the Declaration on Measures to Eliminate International Terrorism, would provide a useful guide for any discussion of the issue, as would the definitions contained in certain regional conventions on terrorism. He stressed, however, that combating terrorism should not diminish the need to acknowledge the legitimate struggle of peoples under colonial or alien domination for national self-determination.

56. **Mr. Nhleko** (Swaziland) said that the world lived in fear: terrorists were known to wish to acquire weapons of mass destruction and, if they did so, they would use them without compunction. There would be no warning and thousands of innocent lives might be lost at a stroke. The international community could not afford to ignore the threat to its security. Terrorism could never be justified. Its use could only defile any cause, however worthy. The recent reports that some terrorist groups were actively engaged in plans to conduct another attack on certain countries could only confirm the current lamentable state of the world.

57. The basic challenge facing the international community was to ensure that a concerted international response was in place to make it harder for terrorists to accomplish their objectives. The swift response following the terrorist bombings in New York and elsewhere on 11 September 2001 was an object lesson in how the international community should react to a clear threat to world peace and security. In that context, the Counter-Terrorism Committee had achieved much. Most Member States had accelerated their accession to the 12 United Nations anti-terrorism conventions and many had implemented the legal norms required to deter and to prosecute terrorists. Regional efforts had also borne fruit. His own country had met its obligations under Security Council resolution 1373 (2001) and had acceded to all 12 anti-terrorism conventions. It continued to work closely with the Counter-Terrorism Committee and with the Commonwealth.

58. There was an urgent need, however, to conclude negotiations on the two draft conventions. Any differences in approach should not lead to a state of paralysis. In the hurly-burly of international politics, over-cautious ad hoc measures had no place. With political will, the necessary steps could be taken. It was, perhaps, time for the Ad Hoc Committee established by General Assembly resolution 51/10 of 17 December 1996 to give serious consideration to the question of convening a high-level conference to formulate a joint organized response to terrorism, including the identification of its root cause, as called for by the Summit of the Movement of Non-Aligned Countries. Such a conference should also have a mandate to define terrorism in clear terms.

59. **Ms. Al-Ghanem** (Kuwait) said that her country strongly condemned terrorism, which posed a threat to international peace and security and to human life and was a manifestation of extremism unconnected with any particular religion, civilization or nation. Her delegation strongly supported the convening of a high-level conference under the auspices of the United Nations to formulate a joint response by the international community to terrorism in all its forms and manifestations. With regard to the important proposal put forward by the Organization of the Islamic Conference concerning articles 2 bis and 18 of the draft comprehensive convention on international terrorism, that convention should include a precise definition of terrorism, distinguishing it from the legitimate struggle against occupation in accordance with the United Nations Charter. It was essential to respect human rights in the context of efforts to combat terrorism.

60. One of the worst forms of terrorism was State terrorism as practised by the former Iraqi regime, which had committed crimes against both Kuwait and the Iraqi people. In that connection, Kuwait emphasized the need to bring the war criminals of the former Iraqi regime to trial.

61. Kuwait condemned the terrorism practised by the Israeli Government against the Palestinian people and its acts of terrorism committed against Syrian territory, which violated all the principles of international law and of the Charter.

62. Kuwait was committed to resisting terrorism in all its forms, whether international, regional or national, and had acceded to nine of the 12 United Nations counter-terrorism conventions. It had agreed in

principle to accede to the remaining three conventions, which were currently being considered by the National Assembly with a view to approval. Kuwait had also signed the Convention of the Organization of the Islamic Conference on Combating International Terrorism, which was currently on the agenda of the Foreign Affairs Committee of the National Assembly.

63. At the domestic level, a local committee on international terrorism, comprising all the competent authorities of the State, had been established to consider all matters relating to terrorism with a view to closing loopholes that might be exploited by terrorists. Kuwait had promulgated Act No. 35 of 2002 on combating money-laundering, on the basis of which the Central Bank of Kuwait had promulgated a State decision establishing the Financial Investigation Unit. Moreover, the director of the securities market had issued a decision embodying the principles for combating money-laundering.

64. Kuwait had also established the Supreme Committee for the Regulation of Charitable Work, chaired by the Minister of Social Affairs and Labour, to regulate charitable work and the collection of funds for charity. The opening of bank accounts in the name of associations or committees was strictly regulated and the transfer of funds abroad required ministerial approval. As an indication of the seriousness with which her country viewed the combat against terrorism, she noted that Kuwait would shortly be submitting its third report to the Counter-Terrorism Committee.

65. **Mr. Medrek** (Morocco) reaffirmed his delegation's clear, firm and consistent condemnation of terrorism in all its forms, whatever its source or motivation and no matter who the perpetrators were. Following the terrorist attack in Casablanca on 16 May 2003, the whole nation had united to condemn such abominable acts. A march had taken place to reject violence, ostracism and fanaticism. The Government would not be deflected from its construction of a united and democratic society imbued with the values of tolerance and solidarity. As the King had said, Morocco would continue to pursue the path of democracy and modernization. Far from intimidating the country, the terrorists had galvanized public opinion against them.

66. On 28 May 2003, the Government had adopted an anti-terrorism law which defined terrorism, increased the penalties for terrorist acts, established administrative and legal procedures and dealt with the financing of terrorism, in accordance with the provisions of the International Convention for the Suppression of the Financing of Terrorism, to which Morocco had acceded. Moreover, in addition to being a party to almost all the international anti-terrorism conventions, the Government had taken steps to implement Security Council resolution 1373 (2001), having immediately decided that it was admissible in Moroccan law and thus open to direct and immediate application.

67. Despite the solid legal framework of anti-terrorism instruments developed over the past 30 years, the draft comprehensive convention on international terrorism would fill a need. His delegation therefore deplored the absence of real political will that was impeding negotiations on the draft. The function of such a convention would be to give added value to existing conventions. One crucial point was that of the definition of terrorism, difficult though that might be. Any definition would have to take into account the difference between a legitimate struggle against foreign occupation, as in the case of the Palestinian people, and the terrorism suffered most recently by the United States, Saudi Arabia and Morocco. As for the draft international convention for the suppression of acts of nuclear terrorism, it was disgraceful that no progress had been made. His delegation supported the convening of a high-level conference to formulate a joint response to terrorism. Although individual action by States was valuable, it could not, in the face of the threat confronting the world, be sufficient. Action should be part of the solidarity among nations, which should develop a global strategy. Cooperation could take several forms, including exchange of information, implementation of international conventions and joint declarations and policies. The United Nations was the proper place for the development of such a coordinated response.

68. **Mr. Hoffmann** (South Africa) said that the United Nations must continue to be at the forefront of international initiatives to combat terrorism. It was important to address the root causes of terrorism, including through the ending of perennial problems such as the conflict in the Middle East and through a worldwide joint commitment to eradicating poverty and underdevelopment. The global war against terrorism should not be conducted at the expense of

development, human rights, civil liberties or the rule of law.

69. South Africa had met its reporting obligations under Security Council resolutions 1373 (2001), 1390 (2002) and 1455 (2003) and was considering ways to assist other States of its region with the implementation of resolution 1373 (2001). It also worked closely with its regional partners and with organizations such as the African Union, the Non-Aligned Movement and the Commonwealth in the area of counter-terrorism. South Africa had become a party to nine of the twelve international counter-terrorism instruments, most recently the International Convention against the Taking of Hostages and the Convention on the Protection and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents; Parliament's adoption of the South African Anti-Terrorism Bill would facilitate ratification of the remaining conventions.

70. The comprehensive international legal framework for the suppression and combating of terrorism had been immeasurably strengthened by the adoption of the existing conventions. However, success depended upon resolution of the outstanding issues relating to the draft comprehensive convention on international terrorism and the draft convention for the suppression of acts of nuclear terrorism. He appreciated the efforts made by the Ad Hoc Committee and the Working Group; however, little, if any, progress had been made during their past two sessions. While recognizing that there were legitimate concerns, he urged delegations to make every effort to find a compromise. The Committee should consider how to resolve the current impasse and whether to hold a meeting of the Ad Hoc Committee in early 2004 or to continue consideration of the issue in the context of a working group during the fifty-ninth session of the General Assembly.

71. **Mr. Gilman** (United States of America) said that those who engaged in terrorism did so because they were not interested in peace and preferred to target the peacemakers. He extended his condolences to the families of the Americans killed in the recent attack on a diplomatic convoy in Gaza and warned the attackers that they could run, but they could not hide.

72. Since the barbaric attacks of 11 September 2001, the Counter-Terrorism Committee had assembled a substantial body of worldwide counter-terrorism capacity, maintained an open-ended and increasingly focused dialogue with States about the implementation of resolution 1373 (2001) helped to match donors and recipients of assistance and coordinated the activities of other organizations working in the area of counter-terrorism. Through the Al-Qaida and Taliban Sanctions Committee, the Security Council was also monitoring States' efforts to implement resolutions 1267 (1999) and 1390 (2002).

73. He hoped that the General Assembly would adopt by consensus a resolution under agenda item 156 which would call on Member States to adopt legislative and administrative measures in the area of counter-terrorism on an urgent basis, urge Member States to become parties to the 12 international counter-terrorism instruments, stress the importance of enhancing States' capacity to combat terrorism, highlight the role of regional, subregional and other relevant organizations and emphasize the importance of deepening cooperation and communication among States in the fight against terrorism.

74. The Sixth Committee retained the primary role in negotiating and drafting international legal texts concerning terrorism, and had drafted a number of the 12 international counter-terrorism instruments. However, it had failed to reach closure on the draft comprehensive convention on international terrorism and the draft convention for the suppression of acts of nuclear terrorism because not every State had concluded that terrorism was unacceptable in all circumstances.

75. The Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna played a crucial role in helping States accede to the 12 international counter-terrorism instruments and incorporate them into national law. In addition, United Nations field offices should provide the Counter-Terrorism Committee with information to be used in its review of States' reports and the specialized agencies should be encouraged to develop counter-terrorism programmes in cooperation with the Counter-Terrorism Committee; he hoped that those proposals would be reflected in the Sixth Committee's resolution under the current agenda item.

76. Increasing numbers of international, regional and subregional organizations were developing or enhancing existing counter-terrorism action plans. The Organization of American States (OAS) had recently organized a meeting of some 60 organizations as

follow-up to the March 2003 special meeting of the Counter-Terrorism Committee with international, regional and subregional organizations in order to share codes, best practices and standards; little such cooperation had existed prior to 11 September 2001.

77. The terrorist attacks in Bali, Bogota, Jerusalem, Mombasa, Haifa and Gaza were a harsh reminder that the international counter-terrorism effort had just begun and were proof that so long as a few States were not taking the necessary action to combat that problem, all States remained vulnerable. Some 150 States had not yet acceded to all 12 of the international counter-terrorism instruments; many States still lacked adequate domestic legislation to regulate the banking sector, charities, or border monitoring; almost 50 States were late in submitting follow-up reports to the Counter-Terrorism Committee; and some regional organizations had not developed action plans and committees to monitor the implementation thereof. States must act as though the events of 11 September 2001 had taken place the previous day and must remember that they could occur again anywhere and at any time. The international community's capacity to fight terrorism was only as strong as its weakest link.

78. **Mr. Baatar** (Mongolia) said that since the events of 11 September 2001, terrorist networks had been disrupted and attacks foiled in several countries; the sense of global solidarity that had emerged in the aftermath of those tragic events should be upheld and maintained. Yet the threat of terror remained and must be fought, first at home and then at the regional and global levels. The United Nations should play a central role in developing and implementing the global strategy for combating terrorism. It was therefore important for States to display political will, wisdom, flexibility and compromise in order to reach early agreement on the two draft counter-terrorism conventions. The fight against terrorism should not be used to justify violations of human and civil rights; without a clear legal definition of the problem, efforts to combat it could themselves become terrorist acts.

79. It was also important to address the root causes of terrorism. The United Nations and other interested parties, whether individually or collectively, might conduct a comprehensive study and make recommendations in that regard. He agreed with other speakers that one key to a long-term solution to terrorism lay in promoting understanding and tolerance, reducing poverty and inequality and overcoming the development gap, since those problems could become a breeding ground for terrorists. The early entry into force of the United Nations Convention against Transnational Organized Crime would help to prevent the financing of terrorist networks.

80. His Government had consistently condemned all forms of terrorism. Mongolia had criminalized the commission or threat of terrorist acts and was a party to all the multilateral counter-terrorism instruments applicable to it. Domestic procedures for ratification of the International Convention for the Suppression of the Financing of Terrorism were well under way, and Mongolia had been the first State to submit a report to the Counter-Terrorism Committee.

The meeting rose at 12.30 p.m.